

**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Chapter 1	Number 12	Effective Date 01/24/11	Review Date 2014
Subject USE OF COMMONWEALTH'S ATTORNEY'S OFFICE			☐ New Order ☒ Replaces <i>G.O. 1-12, (12/14/06)</i>
References General Order 7-2			
 _____ Chief of Police or Designee 01/24/11 _____ Date			

I. PURPOSE

This directive outlines the responsibilities of members of the Richmond Police Department while conducting official business with the Commonwealth's Attorney's Office.

II. POLICY

It is the policy of the Department to establish the proper guidelines regarding the use of the Commonwealth's Attorney's Office and communications/dissemination of information between the Richmond Police Department and that office. The Richmond Police Department and the Commonwealth's Attorney's Office embrace the concept and practice of Community Prosecution and as such, the Commonwealth's Attorney assigns prosecutors to each police sector to work in collaboration with police personnel. The Commonwealth's Attorney's Office has an open door policy for officers, detectives and other employees of the Police Department. The Commonwealth's Attorney seeks full and complete involvement of police officers and detectives in the prosecution of all criminal matters.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling, *and/or* disciplinary action is initiated.

IV. PROCEDURE

A. Assignment of Commonwealth's Attorneys:

1. The Commonwealth's Attorney's Office is available as a resource for all police officers and detectives on matters of law that affect investigations, searches/seizures and arrests. Officers and detectives are encouraged to make contact with the Commonwealth's Attorney's Office on any matter in which the officer/detective believes such contact is warranted.
2. The Commonwealth's Attorney's Office assigns prosecutors to each of the Department's twelve (12) sectors. Questions specific to a sector should be addressed to the respective sector prosecutor. Other general questions should be addressed to the duty attorney, who can be reached during business hours at 646-3500.

B. Legal Opinions:

1. Should an employee require a formal written legal opinion from the Office of the Commonwealth's Attorney, the employee shall direct the request for such opinion, in writing, through channels to the Police Department's Office of General Counsel.
2. The Office of General Counsel will receive an opinion from the Office of the Commonwealth's Attorney and respond to the employee requesting the opinion.

C. Communication and Dissemination of Information:

The Commonwealth's Attorney's Office will routinely communicate with employees of the Police Department and disseminate information to Department personnel both verbally and in writing. This includes assistance in active cases, training and communication for other purposes. When the issue is a Department-wide issue, the Commonwealth's Attorney's Office will communicate with and/or disseminate the relevant information to the Office of General Counsel for further dissemination.

D. General:

1. ***Police officers/detectives shall cooperate fully with the Commonwealth's Attorney's Office in the prosecution of all criminal matters.***
2. ***Police officers/detectives shall contact the Commonwealth's Attorney's Office prior to charging any individual with homicide.***
3. ***Police officers/detectives should contact the Commonwealth's Attorney's Office in regard to an arrest or investigation for any aggravated felony (rape, forcible sodomy, object sexual penetration, robbery, malicious wounding). Police supervisors will use the current contact list to notify the appropriate duty attorney for the respective crimes.***
4. The Commonwealth's Attorney's Office requires a completed report be delivered (by email or otherwise) at least two weeks prior to the preliminary hearing on all felony charges. The report should include copies of any digital, photographic or documented evidence. Cases without completed reports will likely require a continuance, at great inconvenience to the court and witnesses, and may result in dismissal of the charges.

NOTE: All Case File Folders resulting from both criminal arrest and direct indictments shall be hand delivered to the Commonwealth's Attorney's Office within five (5) working days of the suspect's arrest. Refer to General Order 7-2, "Case File Preparation Procedures", for protocol related to case file folders.

- 5. Police officers/detectives should coordinate court dates, training and vacation leave through the RPD Office of General Counsel's liaison in order to avoid conflicts.***